IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SECOND APPEAL No. 192 of 1991

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHAVNAGAR SUGAR MILLS LTD - Appellant(s)
Versus
STATE OF GUJARAT - Defendant(s)

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Appearance :
MR AS VAKIL for Appellant(s) : 1,
MR HUKUM SINGH, AGP for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 15/03/2007

ORAL JUDGMENT

1. Shri A.S. Vakil, learned counsel for the appellant; Shri Hukum Singh, learned AGP for the State.
2. State Government though granted lease in favour

of the appellant somewhere in the year 1945 for a period of 30 years, lease deed contained a clause relating to renewals for further period of 30 years. Before the period could expire, the plaintiff-appellant moved an application exercising its option for renewal of the lease, however, the lease was not renewed by the Collector on the ground that the appellant had committed breach of lease conditions and present was not a fit case for renewal of the lease. Being aggrieved by the said action of the State Government, the plaintiff filed the suit for declaration that the order passed by the Collector was bad and it was entitled to renewal of the lease. As usual, the system provided best assistance to the plaintiff appellant and the plaintiff could remain in possession even beyond the period for which, under the renewal it could stay. Even if the renewal in the year 1975 was to terminate or culminate in 2005, the plaintiff, under some interim orders of this Court continues to be in possession in 2007. If the suit was to be decreed in favour of the plaintiff, relief at best could be that it would be allowed to stay in possession up to 2005. A decree could not be granted in favour of the plaintiff but under the interim orders he has overstayed in the premises.

3. By subsequent events and intervening facts, the suit so also the appeal have become

infrcutuous. The appeal deserves to and is accordingly dismissed because no relief now can be granted in favour of he plaintiff. The appeal so also the suit are dismissed. No costs. Interim relief, if any, is vacated.

4. Let a decree be framed accordingly.

[R.S. GARG, J.]

pirzada/-